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OFFICE OF PETITIONS

In re Application of	:	
Carlos Marques Cabrera	:	
Application No. 10/806,768	:	ON PETITION
Filed: March 19, 2004	:	
Attorney Docket No. 00101US01	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, mailed April 26, 2006.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the Notice to File Missing Parts, mailed June 9, 2004. This Notice set a two (2) month extendable period for reply to file \$43 for additional claims. The application became abandoned on August 10, 2004. A Notice of Abandonment was mailed on March 29, 2006.

Petitioner contends that he did timely file the \$43 for additional claims. In support, petitioner has included a copy of a "Response to Notice to File Missing Parts", with a Certificate of Mailing dated July 2, 2004. However, in addition to being directed to the instant application, the Response indicated that it was also directed to application no. 09/549,779.

As set forth in the Manual of Patent Examining Procedure § 724.05:

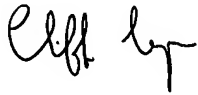
Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g. application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

Here, the response did contain the correct identifying information. Accordingly, it is concluded that the Office could have determined the correct application file for which the response was intended. Moreover, a review of Office records indicates that the Office received the \$43 on July 7, 2004.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions